

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

MICHAEL A. MANNS,

Plaintiff,

v.

Case No. C2:09-cv-816

Judge Edmund A. Sargus, Jr.

Magistrate Judge E.A. Preston Deavers

HONDA OF AMERICA MFG., INC.,

Defendant.

ORDER

This matter is before the Court for consideration of the December 30, 2010 Report and Recommendation of United States Magistrate Judge Elizabeth A. Preston Deavers, to whom this case was referred pursuant to 28 U.S.C. § 636(b). (ECF No. 22.) The Magistrate Judge, citing her findings of contumacious conduct and prejudice, coupled with expired discovery and dispositive motion deadlines, recommends that the Court **GRANT** Defendant's request for dismissal under Federal Rule of Civil Procedure 41(b).

The Report and Recommendation specifically advises the parties that the failure to object to the Report and Recommendation within fourteen days of the Report results in a "waiver of the right to *de novo* review . . . by the District Judge and waiver of the right to appeal the judgment of the District Court." (December 30, 2010 Report and Recommendation 8, ECF No. 22.) The time period for filing objections to the Report and Recommendation has expired. Plaintiff has

not objected to the Report and Recommendation.

The Court has reviewed the Report and Recommendation. Noting that no objections have been filed and that the time for filing such objections has expired, the Court **ADOPTS** the Report and Recommendation. (ECF No. 22.) Accordingly, the Court **GRANTS** Defendant's request for dismissal pursuant to Rule 41(b) (ECF No. 21), **DISMISSING** Plaintiff's action **WITH PREJUDICE**.

The Clerk is **DIRECTED** to send a copy of this Order to Plaintiff at 1849 South U.S. Highway 29, Troy, Alabama, 36079.

IT IS SO ORDERED.

2-2-2011
DATE


EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE